

ESTTA Tracking number: **ESTTA536005**Filing date: **05/03/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	SB Phillips LLC
Granted to Date of previous extension	05/08/2013
Address	1215 E. Fort Avenue Baltimore, MD 21230 UNITED STATES
Attorney information	Tracy-Gene G. Durkin Sterne, Kessler, Goldstein & Fox P.L.L.C. 1100 New York Avenue, NW Washington, DC 20005 UNITED STATES tm@skgf.com, tdurkin@skgf.com, jshirk@skgf.com Phone:(202) 371-2600

**Applicant Information**

Application No	85611884	Publication date	01/08/2013
Opposition Filing Date	05/03/2013	Opposition Period Ends	05/08/2013
Applicant	Mississippi Band of Choctaw Indians P.O. Box 6010 Choctaw, MS 39350 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 043. First Use: 2012/01/24 First Use In Commerce: 2012/01/24

All goods and services in the class are opposed, namely: Restaurant services, namely, providing of food and beverages for consumption on and off the premises

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1125048	Application Date	08/05/1977
Registration Date	09/11/1979	Foreign Priority Date	NONE
Word Mark	PHILLIPS		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 042. First use: First Use: 1956/05/30 First Use In Commerce: 1963/08/17 RESTAURANT SERVICES

U.S. Registration No.	970391	Application Date	06/13/1972
Registration Date	10/09/1973	Foreign Priority Date	NONE
Word Mark	PHILLIPS CRAB HOUSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U100 (International Class 042). First use: First Use: 1956/05/30 First Use In Commerce: 1963/08/17 RESTAURANT SERVICES		

U.S. Registration No.	1106334	Application Date	08/05/1977
Registration Date	11/14/1978	Foreign Priority Date	NONE
Word Mark	PHILLIPS SEAFOOD HOUSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1977/06/00 First Use In Commerce: 1977/06/00 RESTAURANT SERVICES		

U.S. Registration No.	2395764	Application Date	11/01/1999
Registration Date	10/17/2000	Foreign Priority Date	NONE
Word Mark	PHILLIPS SEAFOOD RESTAURANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1956/00/00 First Use In Commerce: 1983/00/00 RESTAURANT SERVICES		

U.S. Registration No.	3243635	Application Date	04/15/2005
Registration Date	05/22/2007	Foreign Priority Date	NONE
Word Mark	PHILLIPS FLAGSHIP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1985/12/00 First Use In Commerce: 1985/12/00 restaurant services		

Related Proceedings	91208786
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Attachments	2235 088OPT0 OPP.pdf ( 37 pages )(3185393 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Tracy Durkin/
Name	Tracy-Gene G. Durkin
Date	05/03/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>SB PHILLIPS LLC,</p> <p>Opposer,</p> <p>v.</p> <p>MISSISSIPPI BAND OF CHOCTAW INDIANS,</p> <p>Applicant.</p>	<p>Opposition No.:</p> <p>Mark: PHILLIP M'S CASUAL FINE DINING and Design Serial No.: 85611884 Filed: April 30, 2012</p>
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**NOTICE OF OPPOSITION**

SB Phillips LLC ("Opposer"), a Maryland limited liability company having a principal place of business at 1215 E. Fort Avenue, Baltimore, Maryland 21230, believes that it is being and will be damaged by the registration of the above-identified mark shown in Application Serial No. 85611884 (the "'884 Application"), and having been granted an extension of time to oppose the '884 Application up to and including May 8, 2013, hereby opposes grant of the registration. As grounds for opposition, Opposer alleges that, upon actual knowledge with respect to Opposer's own acts, and upon information and belief as to other matters:

**Opposer and its PHILLIPS Marks**

1. Since at least as early as August 17, 1963, Opposer has used the trade name and mark PHILLIPS, in commerce, in connection with restaurant services.
2. Opposer has used the trade name and mark PHILLIPS in the United States since long prior to the filing date of Applicant's '884 Application (April 30, 2012), and the date of first use in commerce alleged in the '884 Application (January 24, 2012).

3. As a result of such use of the trade name and mark PHILLIPS, and Opposer's continued use of the trade name and mark PHILLIPS, Opposer has acquired valuable rights and goodwill in and for this trade name and mark for a variety of goods and services, including restaurant services.

4. Opposer is the owner of the following United States trademark registrations for the following PHILLIPS and PHILLIPS-formative marks (printouts from the USPTO TESS and TSDR databases, which includes assignment abstract of title information, are attached as Exhibit A):

Mark	Reg. No.	Reg. Date	Date of First Use in Commerce	Services
PHILLIPS	1125048	September 11, 1979	August 17, 1963	Restaurant services
PHILLIPS CRAB HOUSE	0970391	October 9, 1973	August 17, 1963	Restaurant services
PHILLIPS SEAFOOD HOUSE	1106334	November 14, 1978	June 1977	Restaurant services
PHILLIPS SEAFOOD RESTAURANTS	2395764	October 17, 2000	1983	Restaurant services
PHILLIPS FLAGSHIP	3243635	May 22, 2007	December 1985	Restaurant services

(Opposer's registered and common law PHILLIPS and PHILLIPS-formative marks are collectively referred to as the "PHILLIPS Marks").

5. The foregoing registrations in Paragraph 4 are valid and subsisting and constitute *prima facie* evidence of the validity of the marks and registrations, of Opposer's ownership of

and exclusive right to use the marks in commerce, and provide constructive notice of ownership thereof by Opposer.

6. All of the registrations in Paragraph 4 are incontestable.

**Applicant and its PHILLIP M'S CASUAL FINE DINING and Design Application**

7. Upon information and belief, Mississippi Band of Choctaw Indians ("Applicant"), is a federally-recognized Indian tribe of the United States, having a mailing address of P.O. Box 6010, Choctaw, Mississippi 39350.

8. Applicant is the listed owner of Application Serial No. 85611884 filed April 30, 2012, for the mark PHILLIP M'S CASUAL FINE DINING and Design for "restaurant services, namely, providing of food and beverages for consumption on and off the premises."

**Likelihood of Confusion, 15 U.S.C. §1052(d)**

9. Opposer repeats and realleges each and every allegation set forth above.

10. Opposer has used its PHILLIPS trade name and PHILLIPS Marks in commerce since long prior to the filing date of the '884 Application and the first use date alleged therein.

11. Opposer also has priority based on its pleaded valid and subsisting registrations.

12. Applicant's mark incorporates essentially the whole, or dominant portion, of Opposer's PHILLIPS trade name and PHILLIPS Marks.

13. The term PHILLIP is a dominant portion of Applicant's mark.

14. The terms CASUAL FINE DINING of Applicant's mark are merely descriptive and have been disclaimed by Applicant.

15. The merely descriptive terms CASUAL FINE DINING of Applicant's mark appear in a font that is significantly smaller than the PHILLIP term of Applicant's mark.

16. The merely descriptive terms FINE DINING are partially obscured by another element of Applicant's mark.

17. The merely descriptive terms CASUAL FINE DINING of Applicant's mark have no source identifying significance.

18. The dominant PHILLIP term of Applicant's mark is highly similar in sound, appearance, connotation, and commercial impression to Opposer's PHILLIPS Marks.

19. Further, the services recited in the opposed application are identical to and/or overlap with the services advertised, offered, and sold by Opposer under Opposer's PHILLIPS Marks.

20. Applicant's mark so resembles Opposer's PHILLIPS trade name and Opposer's registered and prior used PHILLIPS Marks as to be likely, when used in connection with Applicant's services, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).


21. For these reasons, Opposer is being and will be damaged by the registration of Applicant's PHILLIP M'S CASUAL FINE DINING and Design mark shown in the '884 Application.

22. WHEREFORE, Opposer respectfully requests that this opposition be sustained in favor of Opposer, and that application Serial No. 85611884 be refused registration.

A filing fee has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 190036.

Respectfully submitted,

Dated: May 3, 2013

By:   
Tracy-Gene G. Durkin  
**STERNE, KESSLER, GOLDSTEIN & FOX PLLC**  
1100 New York Avenue, NW  
Washington, DC 20005  
Telephone: 202-371-2600  
Facsimile: 202-371-2540  
Attorneys for Opposer  
SB Phillips LLC


1684330v1



**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was forwarded by regular U.S. mail, postage prepaid, on this 3rd day of May, 2013, upon counsel for Applicant at the following address of record:

Barbara L. (Pixie) Waite, Esq.  
Law Office of Barbara L. Waite P.C.  
1425 K Street, NW, Suite 350  
Washington, DC 20005-3514



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## Record 1 out of 1

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## Typed Drawing

<b>Word Mark</b>	PHILLIPS
<b>Goods and Services</b>	IC 042. US 100. G & S: RESTAURANT SERVICES. FIRST USE: 19560530. FIRST USE IN COMMERCE: 19630817
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73136571
<b>Filing Date</b>	August 5, 1977
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	1125048
<b>Registration Date</b>	September 11, 1979
<b>Owner</b>	(REGISTRANT) PHILLIPS CRAB HOUSE, INC. CORPORATION MARYLAND 2004 PHILADELPHIA AVE. OCEAN CITY MARYLAND 21842  (LAST LISTED OWNER) S.B. PHILLIPS, LLC LIMITED LIABILITY COMPANY MARYLAND 1215 EAST FORT AVENUE BALTIMORE MARYLAND 21230
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Tracy-Gene G. Durkin
<b>Prior Registrations</b>	0970391;1044473
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090815.
<b>Renewal</b>	2ND RENEWAL 20090815
<b>Live/Dead Indicator</b>	LIVE

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## STATUS DOCUMENTS

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Mark: PHILLIPS

US Serial Number: 73136571

Application Filing Date: Aug. 05, 1977

US Registration Number: 1125048

Registration Date: Sep. 11, 1979

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Aug. 15, 2009

## Mark Information

Mark Literal Elements: PHILLIPS

[expand all](#)

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Related Properties Information

Claimed Ownership of US [0970391, 1044473](#)

Registrations:

## Goods and Services

## Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: RESTAURANT SERVICES

International Class: 042 - Primary Class

U.S. Class: 100

Class Status: ACTIVE

Basis: 1(a)

First Use: May 30, 1956

Use in Commerce: Aug. 17, 1953

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: S.B. PHILLIPS, LLC

Owner Address: 1215 EAST FORT AVENUE  
BALTIMORE, MARYLAND 21230  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: MARYLAND

**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Tracy-Gene G. Durkin**Docket Number:** 2235.0040000**Correspondent****Correspondent** Tracy-Gene G. Durkin**Name/Address:** Sterne, Kessler, Goldstein & Fox P.L.L.C.

1100 New York Avenue, NW

Washington, DISTRICT OF COLUMBIA 20005-3934

UNITED STATES

**Phone:** (202) 371-2600**Fax:** (202) 371-2540**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Oct. 06, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 15, 2009	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	75461
Aug. 15, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 14, 2009	ASSIGNED TO PARALEGAL	75461
Aug. 12, 2009	TEAS SECTION 8 & 9 RECEIVED	
Jan. 28, 2008	CASE FILE IN TIGRS	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 14, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 14, 1999	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Apr. 30, 1999	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Oct. 03, 1985	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 18, 1985	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	

**Maintenance Filings or Post Registration Information****Affidavit of Continued Use:** Section 8 - Accepted**Affidavit of Incontestability:** Section 15 - Accepted**Renewal Date:** Sep. 11, 2009**TM Staff and Location Information****TM Staff Information - None****File Location****Current Location:** POST REGISTRATION**Date in Location:** Aug. 15, 2009**Assignment Abstract of Title Information****Conveyance Filter****Summary****Total Assignments:** 4**Registrant:** PHILLIPS CRAB HOUSE, INC.**Assignment 1 of 4****Conveyance:** ASSIGNS THE ENTIRE INTEREST**Reel/Frame:** 3237/0559**Pages:** 6**Date Recorded:** Jan. 31, 2006**Supporting Documents:** [assignment-trn-3237-0559.pdf](#)**Assignor****Name:** PHILLIPS CRAB HOUSE, INC.**Execution Date:** Oct. 06, 2005**Legal Entity Type:** CORPORATION**State or Country Where Organized:** MARYLAND**Assignee**

Name: S.B. PHILLIPS, LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: MARYLAND

Address: 1215 EAST FORT AVENUE  
BALTIMORE, MARYLAND 21230

Correspondent

Correspondent Name: TRACY-GENE G. DURKIN  
Correspondent Address: 1100 NEW YORK AVENUE, NW  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: COLLATERAL ASSIGNMENT OF TRADEMARKS AS SECURITY

Reel/Frame: 3394/0675

Pages: 11

Date Recorded: Sep. 21, 2006

Supporting Documents: assignment-tm-3394-0675.pdf

Assignor

Name: S.B. PHILLIPS, LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Sep. 15, 2006  
State or Country Where  
Organized: MARYLAND

Assignee

Name: SUNTRUST BANK  
Legal Entity Type: BANKING CORP.  
Address: 120 EAST BALTIMORE STREET  
25TH FLOOR  
BALTIMORE, MARYLAND 21202

State or Country Where  
Organized: No Place Where Organized Found

Correspondent

Correspondent Name: MILES & STOCKBRIDGE P.C.  
Correspondent Address: 10 LIGHT STREET  
BALTIMORE, MD 21202

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4298/0718

Pages: 10

Date Recorded: Oct. 19, 2010

Supporting Documents: assignment-tm-4298-0718.pdf

Assignor

Name: S.B. PHILLIPS, LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Sep. 10, 2010  
State or Country Where  
Organized: MARYLAND

Assignee

Name: SHIRLEY F. PHILLIPS REVOCABLE TRUST  
Legal Entity Type: TRUST

State or Country Where  
Organized: MARYLAND

Address: 2004 PHILADELPHIA AVENUE  
OCEAN CITY, MARYLAND 21842

Correspondent

Correspondent Name: JONATHAN R. WACHS  
Correspondent Address: 8171 MAPLE LAWN BOULEVARD  
SUITE 200  
MAPLE LAWN, MD 20759

Domestic Representative - Not Found

Assignment 4 of 4

**Conveyance:** RELEASE OF COLLATERAL ASSIGNMENT OF TRADEMARKS AS SECURITY

**Reel/Frame:** 4289/0939

**Pages:** 6

**Date Recorded:** Oct. 04, 2010

**Supporting Documents:** assignment-tm-4289-0939.pdf

**Assignor**

**Name:** SUNTRUST BANK

**Execution Date:** Sep 29, 2010

**Legal Entity Type:** CORPORATION-STATE: GEORGIA

**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** S.B. PHILLIPS LLC

**State or Country Where Organized:** UNITED STATES

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**Address:** 1215 E. FORT AVENUE  
BALTIMORE, MARYLAND 21230

**Correspondent**

**Correspondent Name:** MILES & STOCKBRIDGE

**Correspondent Address:** 10 LIGHT ST  
BALTIMORE, MD 21209

**Domestic Representative - Not Found**





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## Typed Drawing

Word Mark	PHILLIPS CRAB HOUSE
Goods and Services	IC 042. US 100. G & S: RESTAURANT SERVICES. FIRST USE: 19560530. FIRST USE IN COMMERCE: 19630817
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72427126
Filing Date	June 13, 1972
Current Basis	1A
Original Filing Basis	1A
Registration Number	0970391
Registration Date	October 9, 1973
Owner	(REGISTRANT) PHILLIPS CRAB HOUSE, INCORPORATED CORPORATION MARYLAND 2004 PHILADELPHIA AVENUE OCEAN CITY MARYLAND 21842  (LAST LISTED OWNER) S.B. PHILLIPS, LLC LIMITED LIABILITY COMPANY MARYLAND 1215 EAST FORT AVENUE BALTIMORE MARYLAND 21230
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Tracy-Gene G. Durkin
Disclaimer	APPLICANT DISCLAIMS THE EXCLUSIVE RIGHT TO USE THE WORDS "CRAB HOUSE" APART FROM THE MARK AS SHOWN.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040220.
Renewal	2ND RENEWAL 20040220
Live/Dead Indicator	LIVE

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Mark: PHILLIPS CRAB HOUSE

US Serial Number: 72427126

Application Filing Date: Jun. 13, 1972

US Registration Number: 970391

Registration Date: Oct. 09, 1973

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Feb. 20, 2004

**Mark Information**[expand all](#)

Mark Literal Elements: PHILLIPS CRAB HOUSE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: APPLICANT DISCLAIMS THE EXCLUSIVE RIGHT TO USE THE WORDS "CRAB HOUSE" APART FROM THE MARK AS SHOWN.

**Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [ . ] indicate deleted goods/services;
- Double parenthesis ( ( . ) ) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \* . \* identify additional (new) wording in the goods/services.

For: RESTAURANT SERVICES

International Class: 042

U.S Class: 100 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: May 30, 1956

Use in Commerce: Aug. 17, 1963

**Basis Information (Case Level)**

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: S.B. PHILLIPS, LLC

Owner Address: 1215 EAST FORT AVENUE  
BALTIMORE, MARYLAND 21230  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: MARYLAND**Attorney/Correspondence Information**

Attorney of Record

Attorney Name: Tracy-Gene G. Durkin

Docket Number: 2235.0140000

## Correspondent

Correspondent Tracy-Gene G. Durkin  
Name/Address: Sterne, Kessler, Goldstein & Fox P.L.L.C.  
1100 New York Avenue, NW  
WASHINGTON, DISTRICT OF COLUMBIA 20005-3934  
UNITED STATES

Phone: (202) 371-2600

Fax: (202) 371-2540

Correspondent e-mail: [tm@skgf.com](mailto:tm@skgf.com)Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Dec. 14, 2012	TEAS SECTION 8 & 9 RECEIVED	
Oct. 06, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 15, 2008	CASE FILE IN TIGRS	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 20, 2004	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Feb. 20, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 24, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 30, 1993	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 15, 1993	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Mar. 05, 1979	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 09, 2003

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Aug. 15, 2008

## Assignment Abstract of Title Information

Conveyance Filter

Summary

Total Assignments: 4

Registrant: PHILLIPS CRAB HOUSE, INCORPORATED

## Assignment 1 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3237/0559](#)

Pages: 6

Date Recorded: Jan. 31, 2006

Supporting Documents: [assignment-tm-3237-0559.pdf](#)

Assignor

Name: [PHILLIPS CRAB HOUSE, INC.](#)

Execution Date: Oct. 06, 2005

Legal Entity Type: CORPORATION

State or Country Where MARYLAND  
Organized:

Assignee

Name: [S.B. PHILLIPS, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where MARYLAND  
Organized:Address: 1215 EAST FORT AVENUE  
BALTIMORE, MARYLAND 21230

**Correspondent**

**Correspondent Name:** TRACY-GENE G. DURKIN  
**Correspondent Address:** 1100 NEW YORK AVENUE, NW  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 2 of 4**

**Conveyance:** COLLATERAL ASSIGNMENT OF TRADEMARKS AS SECURITY

**Reel/Frame:** 3394/0675

**Pages:** 11

**Date Recorded:** Sep. 21, 2006

**Supporting Documents:** assignment-tm-3394-0675.pdf

**Assignor**

**Name:** S.B. PHILLIPS, LLC  
**Legal Entity Type:** LIMITED LIABILITY COMPANY

**Execution Date:** Sep. 15, 2006  
**State or Country Where Organized:** MARYLAND

**Assignee**

**Name:** SUNTRUST BANK  
**Legal Entity Type:** BANKING CORP.  
**Address:** 120 EAST BALTIMORE STREET  
25TH FLOOR  
BALTIMORE, MARYLAND 21202

**State or Country Where Organized:** No Place Where Organized Found

**Correspondent**

**Correspondent Name:** MILES & STOCKBRIDGE P.C.  
**Correspondent Address:** 10 LIGHT STREET  
BALTIMORE, MD 21202

**Domestic Representative - Not Found**

**Assignment 3 of 4**

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** 4298/0718

**Pages:** 10

**Date Recorded:** Oct. 19, 2010

**Supporting Documents:** assignment-tm-4298-0718.pdf

**Assignor**

**Name:** S.B. PHILLIPS LLC  
**Legal Entity Type:** LIMITED LIABILITY COMPANY

**Execution Date:** Sep. 10, 2010  
**State or Country Where Organized:** MARYLAND

**Assignee**

**Name:** SHIRLEY F. PHILLIPS REVOCABLE TRUST  
**Legal Entity Type:** TRUST  
**Address:** 2004 PHILADELPHIA AVENUE  
OCEAN CITY, MARYLAND 21842

**State or Country Where Organized:** MARYLAND

**Correspondent**

**Correspondent Name:** JONATHAN R. WACHS  
**Correspondent Address:** 8171 MAPLE LAWN BOULEVARD  
SUITE 200  
MAPLE LAWN, MD 20759

**Domestic Representative - Not Found**

**Assignment 4 of 4**

**Conveyance:** RELEASE OF COLLATERAL ASSIGNMENT OF TRADEMARKS AS SECURITY

**Reel/Frame:** 4289/0939

**Pages:** 6

**Date Recorded:** Oct. 04, 2010

**Supporting Documents:** assignment-tm-4289-0939.pdf

**Assignor**

Name: SUNTRUST BANK

Legal Entity Type: CORPORATION-STATE: GEORGIA

Execution Date: Sep. 29, 2010

State or Country Where No Place Where Organized Found  
Organized:

**Assignee**

Name: S.B. PHILLIPS LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where UNITED STATES  
Organized:

Address: 1215 E. FORT AVENUE  
BALTIMORE, MARYLAND 21230

**Correspondent**

Correspondent Name: MILES & STOCKBRIDGE

Correspondent Address: 10 LIGHT ST  
BALTIMORE, MD 21209

Domestic Representative - Not Found



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## Typed Drawing

Word Mark	PHILLIPS SEAFOOD HOUSE
Goods and Services	IC 042. US 100. G & S: RESTAURANT SERVICES. FIRST USE: 19770600. FIRST USE IN COMMERCE: 19770600
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73136570
Filing Date	August 5, 1977
Current Basis	1A
Original Filing Basis	1A
Registration Number	1106334
Registration Date	November 14, 1978
Owner	(REGISTRANT) PHILLIPS CRAB HOUSE, INC. CORPORATION MARYLAND 2004 21ST PHILADELPHIA AVE. OCEAN CITY MARYLAND 21842  (LAST LISTED OWNER) S.B. PHILLIPS, LLC LIMITED LIABILITY COMPANY MARYLAND 1215 EAST FORT AVENUE BALTIMORE MARYLAND 21230
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Tracy-Gene G. Durkin
Prior Registrations	0970391;1044473
Disclaimer	WITHOUT WAIVING ANY OF ITS COMMON LAW RIGHTS THEREIN, APPLICANT DISCLAIMS THE EXCLUSIVE RIGHT TO USE THE WORDS "SEAFOOD HOUSE" APART FROM THE MARK AS SHOWN.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20081108.

Renewal 2ND RENEWAL 20081108  
Live/Dead Indicator LIVE

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Mark: PHILLIPS SEAFOOD HOUSE

US Serial Number: 73136570

Application Filing Date: Aug. 05, 1977

US Registration Number: 1106334

Registration Date: Nov. 14, 1978

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Nov. 08, 2008

**Mark Information**

Mark Literal Elements: PHILLIPS SEAFOOD HOUSE

Standard Character Claim: No

[expand all](#)

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: WITHOUT WAIVING ANY OF ITS COMMON LAW RIGHTS THEREIN, APPLICANT DISCLAIMS THE EXCLUSIVE RIGHT TO USE THE WORDS "SEAFOOD HOUSE" APART FROM THE MARK AS SHOWN.

**Related Properties Information**Claimed Ownership of US 0970391, 1044473

Registrations:

**Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [ ] indicate deleted goods/services;
- Double parenthesis ( ) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \* identify additional (new) wording in the goods/services.

For: RESTAURANT SERVICES

International Class: 042 - Primary Class

U.S. Class: 100

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 1977

Use in Commerce: Jun. 1977

**Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: S.B. PHILLIPS, LLC

Owner Address: 1215 EAST FORT AVENUE  
BALTIMORE, MARYLAND 21230  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: MARYLAND**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Tracy-Gene G. Durkin**Docket Number:** 2235.0090000**Correspondent****Correspondent:** Tracy-Gene G. Durkin**Name/Address:** Sterne, Kessler, Goldstein & Fox P.L.L.C.  
1100 New York Avenue, N.W.  
Washington, DISTRICT OF COLUMBIA 20005-3934  
UNITED STATES**Phone:** (202) 371-2600**Fax:** (202) 371-2540**Correspondent e-mail:** [tdurkin@skgf.com](mailto:tdurkin@skgf.com)**Correspondent e-mail No  
Authorized:**

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Oct. 06, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 08, 2008	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68973
Nov. 08, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 20, 2008	ASSIGNED TO PARALEGAL	68973
Oct. 17, 2008	TEAS SECTION 8 & 9 RECEIVED	
Dec. 27, 2007	CASE FILE IN TIGRS	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 14, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 30, 1998	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Aug. 14, 1998	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Mar. 06, 1984	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

**Maintenance Filings or Post Registration Information****Affidavit of Continued Use:** Section 8 - Accepted**Affidavit of Incontestability:** Section 15 - Accepted**Renewal Date:** Nov. 14, 2008**TM Staff and Location Information****TM Staff Information - None****File Location****Current Location:** POST REGISTRATION**Date in Location:** Nov. 08, 2008**Assignment Abstract of Title Information**

Conveyance Filter

**Summary****Total Assignments:** 4**Registrant:** PHILLIPS CRAB HOUSE, INC.**Assignment 1 of 4****Conveyance:** ASSIGNS THE ENTIRE INTEREST**Reel/Frame:** 3237/0559**Pages:** 6**Date Recorded:** Jan. 31, 2006**Supporting Documents:** [assignment-tm-3237-0559.pdf](#)**Assignor****Name:** PHILLIPS CRAB HOUSE, INC.**Execution Date:** Oct. 06, 2005

**Legal Entity Type:** CORPORATION**State or Country Where  
Organized:** MARYLAND**Assignee****Name:** S.B. PHILLIPS, LLC**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where  
Organized:** MARYLAND**Address:** 1215 EAST FORT AVENUE  
BALTIMORE, MARYLAND 21230**Correspondent****Correspondent Name:** TRACY-GENE G. DURKIN**Correspondent Address:** 1100 NEW YORK AVENUE, NW  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
WASHINGTON, DC 20005**Domestic Representative - Not Found****Assignment 2 of 4****Conveyance:** COLLATERAL ASSIGNMENT OF TRADEMARKS AS SECURITY**Reel/Frame:** 3394/0675**Pages:** 11**Date Recorded:** Sep. 21, 2006**Supporting Documents:** assignment-tm-3394-0675.pdf**Assignor****Name:** S.B. PHILLIPS, LLC**Legal Entity Type:** LIMITED LIABILITY COMPANY**Execution Date:** Sep. 15, 2006**State or Country Where  
Organized:** MARYLAND**Assignee****Name:** SUNTRUST BANK**Legal Entity Type:** BANKING CORP.**State or Country Where  
Organized:** No Place Where Organized Found**Address:** 120 EAST BALTIMORE STREET  
25TH FLOOR  
BALTIMORE, MARYLAND 21202**Correspondent****Correspondent Name:** MILES & STOCKBRIDGE P.C.**Correspondent Address:** 10 LIGHT STREET  
BALTIMORE, MD 21202**Domestic Representative - Not Found****Assignment 3 of 4****Conveyance:** SECURITY INTEREST**Reel/Frame:** 4298/0718**Pages:** 10**Date Recorded:** Oct. 19, 2010**Supporting Documents:** assignment-tm-4298-0718.pdf**Assignor****Name:** S.B. PHILLIPS LLC**Legal Entity Type:** LIMITED LIABILITY COMPANY**Execution Date:** Sep. 10, 2010**State or Country Where  
Organized:** MARYLAND**Assignee****Name:** SHIRLEY F. PHILLIPS REVOCABLE TRUST**Legal Entity Type:** TRUST**State or Country Where  
Organized:** MARYLAND**Address:** 2004 PHILADELPHIA AVENUE  
OCEAN CITY, MARYLAND 21842**Correspondent****Correspondent Name:** JONATHAN R. WACHS**Correspondent Address:** 8171 MAPLE LAWN BOULEVARD  
SUITE 200  
MAPLE LAWN, MD 20759

Domestic Representative - Not Found

**Assignment 4 of 4**

Conveyance: RELEASE OF COLLATERAL ASSIGNMENT OF TRADEMARKS AS SECURITY

Reel/Frame: 4289/0939

Pages: 6

Date Recorded: Oct. 04, 2010

Supporting Documents: assignment-tm-4289-0939.pdf

**Assignor**

Name: SUNTRUST BANK

Execution Date: Sep 29, 2010

Legal Entity Type: CORPORATION-STATE: GEORGIA

State or Country Where No Place Where Organized Found  
Organized:

**Assignee**

Name: S.B. PHILLIPS LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where UNITED STATES  
Organized:

Address: 1215 E. FORT AVENUE  
BALTIMORE, MARYLAND 21230

**Correspondent**

Correspondent Name: MILES & STOCKBRIDGE

Correspondent Address: 10 LIGHT ST  
BALTIMORE, MD 21209

Domestic Representative - Not Found



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## Typed Drawing

Word Mark	PHILLIPS SEAFOOD RESTAURANTS
Goods and Services	IC 042. US 100 101. G & S: RESTAURANT SERVICES. FIRST USE: 19560000. FIRST USE IN COMMERCE: 19830000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75836763
Filing Date	November 1, 1999
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 25, 2000
Registration Number	2395764
Registration Date	October 17, 2000
Owner	(REGISTRANT) Phillips Crab House, Inc. CORPORATION MARYLAND 2004 21st Philadelphia Ave. Ocean City MARYLAND 21842  (LAST LISTED OWNER) S.B. PHILLIPS, LLC LIMITED LIABILITY COMPANY MARYLAND 1215 EAST FORT AVENUE BALTIMORE MARYLAND 21230
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Tracy-Gene G. Durkin
Prior Registrations	0970391;1106334;1699629;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SEAFOOD RESTAURANTS" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL-2(F)-IN PART
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101025.
Renewal	1ST RENEWAL 20101025
Live/Dead Indicator	LIVE
Distinctiveness	as to "PHILLIPS"
Limitation Statement	

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Mark: PHILLIPS SEAFOOD RESTAURANTS

PHILLIPS SEAFOOD RESTAURANTS

US Serial Number: 75836763

Application Filing Date: Nov. 01, 1999

US Registration Number: 2395764

Registration Date: Oct. 17, 2000

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Oct. 25, 2010

Publication Date: Jul. 25, 2000

**Mark Information**

Mark Literal Elements: PHILLIPS SEAFOOD RESTAURANTS

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

[expand all](#)

Disclaimer: "SEAFOOD RESTAURANTS"

Acquired Distinctiveness In part  
Claim:Distinctiveness Limitation as to "PHILLIPS"  
Statement:**Related Properties Information**Claimed Ownership of US 0970391, 1106334, 1699629 and others  
Registrations:**Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets ( ) indicate goods/services ~~amended~~.
- Double parentheses ( ) indicate any goods/services not claimed in a Section 15 affidavit of distinctiveness.
- Asterisk (\*) identifies goods/services not claimed in the goods/services.

For: RESTAURANT SERVICES

International Class: 042 - Primary Class

U.S. Class: 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 1956

Use in Commerce: 1983

**Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: S.B. PHILLIPS, LLC

Owner Address: 1215 EAST FORT AVENUE  
BALTIMORE, MARYLAND 21230  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MARYLAND

**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Tracy-Gene G. Durkin

Docket Number: 2235.0080000

**Correspondent**

Correspondent: Tracy-Gene G. Durkin

Name/Address: STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, NW  
WASHINGTON, DISTRICT OF COLUMBIA 20005-3934  
UNITED STATES

Phone: (202) 371-2600

Fax: (202) 371-2540

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Oct. 25, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
Oct. 25, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 25, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Oct. 18, 2010	TEAS SECTION 8 & 9 RECEIVED	
Oct. 06, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 16, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67826
May 22, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 22, 2006	TEAS SECTION 8 & 15 RECEIVED	
Feb. 09, 2006	CASE FILE IN TIGRS	
Jan. 14, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 17, 2000	REGISTERED-PRINCIPAL REGISTER	
Jul. 25, 2000	PUBLISHED FOR OPPOSITION	
Jun. 26, 2000	NOTICE OF PUBLICATION	
Mar. 17, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 10, 2000	EXAMINER'S AMENDMENT MAILED	
Feb. 28, 2000	EXAMINER'S AMENDMENT MAILED	
Feb. 24, 2000	ASSIGNED TO EXAMINER	76581

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 17, 2010

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: Not Found

Date in Location: Oct. 25, 2010

**Assignment Abstract of Title Information**

Conveyance Filter

**Summary**

Total Assignments: 4

Registrant: Phillips Crab House, Inc.

**Assignment 1 of 4**

Conveyance: ASSIGNS THE ENTIRE INTEREST



Reel/Frame: 3237/0559

Pages: 6

Date Recorded: Jan. 31, 2005

Supporting Documents: assignment-tm-3237-0559.pdf

## Assignor

Name: PHILLIPS CRAB HOUSE, INC.

Execution Date: Oct. 06, 2005

Legal Entity Type: CORPORATION

State or Country Where MARYLAND

Organized:

## Assignee

Name: S.B. PHILLIPS, LLC

State or Country Where MARYLAND

Legal Entity Type: LIMITED LIABILITY COMPANY

Organized:

Address: 1215 EAST FORT AVENUE  
BALTIMORE, MARYLAND 21230

## Correspondent

Correspondent Name: TRACY-GENE G. DURKIN

Correspondent Address: 1100 NEW YORK AVENUE, NW  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: COLLATERAL ASSIGNMENT OF TRADEMARKS AS SECURITY

Reel/Frame: 3394/0675

Pages: 11

Date Recorded: Sep. 21, 2006

Supporting Documents: assignment-tm-3394-0675.pdf

## Assignor

Name: S.B. PHILLIPS, LLC

Execution Date: Sep. 15, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where MARYLAND

Organized:

## Assignee

Name: SUNTRUST BANK

State or Country Where No Place Where Organized Found

Legal Entity Type: BANKING CORP.

Organized:

Address: 120 EAST BALTIMORE STREET  
25TH FLOOR  
BALTIMORE, MARYLAND 21202

## Correspondent

Correspondent Name: MILES &amp; STOCKBRIDGE P.C.

Correspondent Address: 10 LIGHT STREET  
BALTIMORE, MD 21202

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4298/0718

Pages: 10

Date Recorded: Oct. 19, 2010

Supporting Documents: assignment-tm-4298-0718.pdf

## Assignor

Name: S.B. PHILLIPS, LLC

Execution Date: Sep. 10, 2010

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where MARYLAND

Organized:

## Assignee

Name: SHIRLEY F. PHILLIPS REVOCABLE TRUST

State or Country Where MARYLAND

Legal Entity Type: TRUST

Organized:

Address: 2004 PHILADELPHIA AVENUE  
OCEAN CITY, MARYLAND 21842

**Correspondent**

Correspondent Name: JONATHAN R. WACHS

Correspondent Address: 8171 MAPLE LAWN BOULEVARD  
SUITE 200  
MAPLE LAWN, MD 20759

Domestic Representative - Not Found

**Assignment 4 of 4**

Conveyance: RELEASE OF COLLATERAL ASSIGNMENT OF TRADEMARKS AS SECURITY

Reel/Frame: 4289/0939

Pages: 6

Date Recorded: Oct. 04, 2010

Supporting Documents: [assignment-tm-4289-0939.pdf](#)

**Assignor**

Name: SUNTRUST BANK

Execution Date: Sep. 29, 2010

Legal Entity Type: CORPORATION-STATE: GEORGIA

State or Country Where No Place Where Organized Found  
Organized:

**Assignee**

Name: S.B. PHILLIPS LLC

State or Country Where UNITED STATES  
Organized:

Legal Entity Type: LIMITED LIABILITY COMPANY

Address: 1215 E. FORT AVENUE  
BALTIMORE, MARYLAND 21230

**Correspondent**

Correspondent Name: MILES & STOCKBRIDGE

Correspondent Address: 10 LIGHT ST  
BALTIMORE, MD 21209

Domestic Representative - Not Found



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## PHILLIPS FLAGSHIP

<b>Word Mark</b>	PHILLIPS FLAGSHIP
<b>Goods and Services</b>	IC 043. US 100 101. G & S: restaurant services. FIRST USE: 19851200. FIRST USE IN COMMERCE: 19851200
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78609533
<b>Filing Date</b>	April 15, 2005
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	March 6, 2007
<b>Registration Number</b>	3243635
<b>Registration Date</b>	May 22, 2007
<b>Owner</b>	(REGISTRANT) Phillips Crab House, Inc. CORPORATION MARYLAND 2004 N. Philadelphia Avenue Ocean City MARYLAND 21842  (LAST LISTED OWNER) S.B. PHILLIPS LLC LIMITED LIABILITY COMPANY MARYLAND 1215 E. FORT AVENUE BALTIMORE MARYLAND 21230
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Tracy-Gene G. Durkin
<b>Prior Registrations</b>	0970391;1106334;1125048;AND OTHERS
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL

Affidavit Text      SECT 15. SECT 8 (6-YR).  
Live/Dead Indicator   LIVE

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Mark: PHILLIPS FLAGSHIP

PHILLIPS FLAGSHIP

US Serial Number: 78609533  
US Registration Number: 3243635  
Register: Principal  
Mark Type: Service Mark  
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.  
Status Date: Apr. 18, 2013  
Publication Date: Mar. 06, 2007

Application Filing Date: Apr. 15, 2005  
Registration Date: May 22, 2007

### Mark Information

Mark Literal Elements: PHILLIPS FLAGSHIP  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

### Related Properties Information

Claimed Ownership of US Registrations: 0970391, 1106334, 1125048 and others

### Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: restaurant services  
International Class(es): 043 - Primary Class  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Dec. 1985  
U.S Class(es): 100, 101  
Use in Commerce: Dec. 1985

### Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

### Current Owner(s) Information

Owner Name: S.B. PHILLIPS LLC  
Owner Address: 1215 E. FORT AVENUE  
BALTIMORE, MARYLAND 21230  
UNITED STATES  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: MARYLAND

### Attorney/Correspondence Information

Attorney Name: Tracy-Gene G. Durkin  
Attorney Primary Email: [tm@skgf.com](mailto:tm@skgf.com)  
Attorney of Record  
Docket Number: 2235.0300000  
Attorney Email: Yes

Address:

Authorized:

Correspondent

Correspondent Name/Address: Tracy-Gene G. Durkin  
Sterne, Kessler, Goldstein & Fox P.L.L.C.  
1100 New York Avenue, NW  
WASHINGTON, DISTRICT OF COLUMBIA 20005-6125  
UNITED STATES

Phone: 202 371 2600

Fax: 202 371 2540

Correspondent e-mail: [tm@skgf.com](mailto:tm@skgf.com) [tdurkin@skgf.com](mailto:tdurkin@skgf.com) [jshirk@skgf.com](mailto:jshirk@skgf.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Apr. 18, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 18, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Apr. 18, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Apr. 03, 2013	TEAS SECTION 8 & 15 RECEIVED	
Sep. 05, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 22, 2007	REGISTERED-PRINCIPAL REGISTER	
Mar. 06, 2007	PUBLISHED FOR OPPOSITION	
Feb. 14, 2007	NOTICE OF PUBLICATION	
Jan. 16, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Jan. 16, 2007	ASSIGNED TO LIE	74221
Dec. 19, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 29, 2006	LIE CHECKED SUSP - TO ATTY FOR ACTION	70997
May 15, 2006	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Nov. 15, 2005	LETTER OF SUSPENSION MAILED	
Nov. 15, 2005	SUSPENSION LETTER WRITTEN	78484
Nov. 15, 2005	ASSIGNED TO EXAMINER	78484
Apr. 22, 2005	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 111

Date in Location: Apr. 18, 2013

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 2

Registrant: Phillips Crab House, Inc.

### Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3610/0544](#)

Pages: 4

Date Recorded: Aug. 28, 2007

Supporting Documents: [assignment-tm-3610-0544.pdf](#)

Assignor

Name: [PHILLIPS CRAB HOUSE, INC.](#)

Execution Date: Aug. 14, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: MARYLAND

**Assignee**

Name: S.B. PHILLIPS LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: MARYLAND

Address: 1215 E. FORT AVENUE  
BALTIMORE, MARYLAND 21230

**Correspondent**

Correspondent Name: TRACY-GENE G. DURKIN  
Correspondent Address: 1100 NEW YORK AVENUE, NW  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
WASHINGTON, DC 20005

Domestic Representative - Not Found

**Assignment 2 of 2**

Conveyance: SECURITY INTEREST

Reel/Frame: 4298/0718

Pages: 10

Date Recorded: Oct. 19, 2010

Supporting Documents: assignment-tm-4298-0718.pdf

**Assignor**

Name: S.B. PHILLIPS LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Sep. 10, 2010

State or Country Where  
Organized: MARYLAND

**Assignee**

Name: SHIRLEY F. PHILLIPS REVOCABLE TRUST  
Legal Entity Type: TRUST

State or Country Where  
Organized: MARYLAND

Address: 2004 PHILADELPHIA AVENUE  
OCEAN CITY, MARYLAND 21842

**Correspondent**

Correspondent Name: JONATHAN R. WACHS  
Correspondent Address: 8171 MAPLE LAWN BOULEVARD  
SUITE 200  
MAPLE LAWN, MD 20759

Domestic Representative - Not Found

**Proceedings****Summary**

Number of Proceedings: 1

**Type of Proceeding: Opposition**

Proceeding Number: 91208786

Filing Date: Jan 09, 2013

Status: Pending

Status Date: Jan 09, 2013

Interlocutory Attorney: ELIZABETH A DUNN

**Defendant**

Name: Mississippi Band of Choctaw Indians  
Correspondent Address: BARBARA L (PIXIE) WAITE  
LAW OFFICE OF BARBARA L WAITE PC  
1425 K STREET NW, SUITE 350  
WASHINGTON DC, 20005-3514  
UNITED STATES

Correspondent e-mail: pixie@blwaitepc.com

**Associated marks****Mark**

PHILLIP M'S

**Application Status**

Opposition Pending

**Plaintiff(s)**

Serial  
Number

85523774

Registration  
Number

Name: SB Phillips LLC  
Correspondent Address: TRACY-GENE G DURKIN  
STERNE KESSLER GOLDSTEIN & FOX PLLC  
1100 NEW YORK AVENUE NW  
WASHINGTON DC, 20005  
UNITED STATES  
Correspondent e-mail: tdurkin@skgf.com, tm@skgf.com, ishirk@skgf.com

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PHILLIPS	Renewed	<u>73136571</u>	<u>1125048</u>
PHILLIPS CRAB HOUSE	Renewed	<u>72427126</u>	<u>970391</u>
PHILLIPS SEAFOOD HOUSE	Renewed	<u>73136570</u>	<u>1106334</u>
PHILLIPS SEAFOOD RESTAURANTS	Renewed	<u>75836763</u>	<u>2395764</u>
PHILLIPS FLAGSHIP	Section 8 and 15 - Accepted and Acknowledged	<u>78609533</u>	<u>3243635</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 09, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 10, 2013	Feb 19, 2013
3	PENDING, INSTITUTED	Jan 10, 2013	
4	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 11, 2013	
5	SUSPENDED	Feb 11, 2013	